



UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

RODNEY REEP
Plaintiff

v.

No. 18-5132

UNITED STATES DEPARTMENT
OF JUSTICE, et. al
Defendants

DISPOSITIVE MOTION TO WHICH
THERE IS GENUINE DISPUTE

FOIA ISSUE REMAINING FOR RESOLUTION BY THE COURT

I Rodney Reep, the Declarant, do hereby declare under the penalty of perjury that the hereinafter statements are true and correct to the best of my knowledge.

This case arises under the Freedom of Information (FOIA), 5 U.S.C. §552, and pertains to the request of Declarant for records maintained by Defendants: Executive Office for the United States Attorneys("EOUSA"), Federal Bureau of Investigation ("FBI"), United States Drug Enforcement

Agency ("DEA"), and bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), which are all subcomponents of the United States Department of Justice ("DOJ").

1). Complaint against FBI, DEA, and EOUSA is not barred by the Statute of Limitation. Plaintiff exhaustion of such administrative remedies is required under the Freedom of Information Act before a party can seek judicial review. Stebbins v. Nationwide Mutual Insurance Co., 244 U.S. App. D.C. 289, 757 F.2d 364 (D.C. 1985).

FEDERAL BUREAU OF INVESTIGATION.

F.B.I. claim the Plaintiff was barred because plaintiff had six years from June 8, 2009 or until June 8, 2015, in which to file a FOIA action in Federal Court. Plaintiff did not file his complaint until June 23, 2016, more than one year after expiration period. The correspondence letter was September 28, 2010, received from Office of Information Policy Appeal No. 2010-2181, request No. 1128002-001 where the Defendant stated "If you are dissatisfied with my actions on your appeal, you may file a lawsuit in accordance with 5 U.S.C. §552(a)(4)(B)". (See Exhibit A).

Drug Enforcement Agency

D.E.A. claim the Plaintiff was time barred because Plaintiff had until January 29, 2016, six years after the right of action accrued to file a FOIA lawsuit against the DEA. Plaintiff filed this action on June 23, 2016, more than four months after the expiration period.

The Plaintiff filed a second FOIA request on June 21, 2010 (Case no. 10-00888-P). The last correspondence letter was May 12, 2011 (See Exhibit B).

Executive Office for United States Attorney

EOUSA claim the Plaintiff was time barred because Plaintiff had six years from May 7, 2010 in which to file a FOIA action against DOJ and EOUSA, in Federal Court. Plaintiff did not file his complaint until June 23, 2016, more than one year after the expiration period. The last correspondence was May 6, 2010, Appeal No. 10-0166. As part of the 2007 FOIA amendments, the Office of Government Information Service agencies as a non-exclusive alternative to litigation. §303.12(b) and §9901.7 appeals (c) (See Exhibit C).

D) NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Office of Government Information Service (OGIS) and Plaintiff had ongoing continued litigations dating April 30, 2010, case No. 10-0166. OGIS has been committed to providing mediator services as part of the 2007 FOIA amendments. (See Exhibit D)

E) PLAINTIFF IS NOT BARRED BY STATUTE OF LIMITATIONS.

The Plaintiff is expected to present in one suit all the claims for relief that may have arisen out of the same transaction or occurrence. U.S. Indus. Inc. v. Blake Const. Co., Inc. 246 U.S. App. D.C. 326, 765 F. 2d 195, 205 (D.C. Cir. 1985).

FOIA's purpose to encourage administrative appeal resolution of request requires that you exhaust administrative remedies.

A-1) F.B.I. CORRESPONDENCE

On March 9th, 2009, the Petitioner initiated a Freedom of Information Act request to the "F.B.I.", pursuant to Title 5 of the United States Code §552(a). This was the last correspondence with the F.B.I.

On September 28th, 2010, letter from the Office of Information Policy RE: App. No. 2010-2181: RE No. 1128002/ADK:KRP, stating, "You appealed from the action of the Federal Bureau of Investigation on your remanded request for access to records pertaining to yourself. Please be advised that I have interpreted your letter dated May 17th, 2010, as limiting your appeal to the adequacy of the F.B.I. search.

B-1) D.E.A. CORRESPONDENCE

On March 7th, 2009, Petitioner initiated a Freedom of Information Act request to the D.E.A., pursuant to title 5 of the United States Code §552(a).

On May 4th, 2009, I receive a letter from the "D.E.A." Administration stating "This letter responds to your Freedom of Information/Privacy Act (FOIA/PA) request dated March &th, 2009 received by the Drug Enforcement Administration (D.E.A.). Your request has been opened and assigned case number)9-0650-P.

On October 15th, 2009, I sent another letter to D.E.A. headquarters, stating "Now it has been over (150) days since I first requested this information."

On June 21st, 2010, 2nd request for Freedom of Information Act pursuant to Title 5 U.S.C. §552. This is my second request.

On July 20, 2010, letter from "D.E.A." RE: 10-00888-P stating, "This letter responds to your Freedom of Information/Privacy Act (FOIA/PA) request dated June 21st, 2010, received by the Drug Enforcement Administration (D.E.A.)."

On May 6th, 2011, received letter from "D.E.A." RE: Case No. 10-00888-P previous D.E.A. Case No. 09-0650-P, stating "This letter responds to your Freedom of Information/Privacy Act Unit (SARF), seeking access to information regarding the above subject."

C-1) U.S.A. CORRESPONDENCE

On March 9th, 2009, Petitioner initiated a Freedom of Information Act request to the U.S.A.O., pursuant to Title 5 of the United States Code §552(a).

On April 20th, 2010, Response From office of Professional Responsibility RE: C10-00008 stating, "This is in response to your February 23rd, 2010 correspondence to this Office but concerning the Executive Office for the United States Attorneys and your ~~Free~~ Freedom of Information Act (FOIA) appeal. We received your correspondence to this Office pertaining to this matter."

Your FOIA appeal is being handled by the Office of Information Policy (OIP). Accordingly, we are referring your corre-

spondence to O.I.P. Any correspondence concerning the referral should be directed to the following address: Office of Information Policy.

On April 29th, 2010, RE: C10-00008 Letter to Office of Information Policy stating to Ms. Marlene Wahowiak, "I received correspondence from you concerning the executive Offices for the United States Attorney's Freedom of Information Act. Please be advised that EOUSA has forwarded me a letter dated April 9th, 2010, which suggested that I consult with the "office of Government Information Services".

On May 6th, 2010, National Archives and Records Administration RE: 10-0166, Letter stated, "Thank you for contacting the Office of Government Information Service (OGIS). This letter is in response to your letter dated April 16, 2010. OGIS received your letter on April 29th, 2010.

OGIS is committed in our role of providing meditation services and reviewing agency compliance under the Freedom of Information Act (FOIA).

After reviewing the materials that you have submitted, more information is needed in order to assist you.

If you would like OGIS to assist you in this way, please provide your consent as soon as possible by signing and dating the bolded paragraph at the end of this letter and returning it by U.S. Mail. We have included a copy of his letter for your own

records. We will not be able to contact the agency until we have received your consent.

At this time, we consider this case closed: however, if you wish to contact us again, please refer to Case No. 10-0166 and we will reopen your case.

2) A CLAIM FOR RELIEF § 702. RIGHT OF REVIEW

U.S.C. §702. A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages.

2 A) A claim for relief the plaintiff cannot receive monetary damages but it can be awarded for attorney fees and filing cost.

28 U.S.C. § 2401(a)

2 B) The government is using 28 U.S.C. § 2401(a) to claim that Plaintiff passed the six (6) year statute of limitation. But 2401(a) is inapplicable to FOIA.

2 C) The Plaintiff refiled his request June 2010, and this in itself restart the process.

2 D) I sent my Freedom of Information complaint seeking disclosure to the District court of Columbia on May 20th, 2016, which they received on May 23rd, 2016.

**3) THE DEFENDANT FAILED TO KEEP AN ACCURATE
ACCOUNTING OF DOCUMENTS.**

Plaintiff alleges that the D.E.A., A.T.F., and U.S.A.O. failed to keep an accurate accounting of disclosure they had made during their investigation of Plaintiff.

4) 5 U.S.C. §701-706

Plaintiff asserts that jurisdiction is conferred on this Court by 5 U.S.C. §701-706(Administrative Procedure Act).

The APA provides that a "person suffering legal wrong because of agency action, or adversely affected by agency action within the meaning of a relevant statute" is entitled to judicial review of such a claim. 5U.S.C. §702 and 706. "In making the forgoing determinations, the court shall review the whole record..".

**5) PLAINTIFF ARGUES THAT DEFENDANTS'
SEARCHES WERE INADEQUATE.**

The defendant failed to complete the required searches, to conduct a thorough search to comply with FOIA. See Olesby v. U.S. of the Army, 268 U.S. App. D.C. 126, 920 F. 2d 57, 68 (D.C. Cir.) The Defendant failed to fulfill their obligations under the FOIA to uncover all relevant documents. The defendant explained in detail, setting forth the search terms they used and the type of methods;"N-force" and the TREASURY ENFORCEMENT COMMUNICATION SYSTEM (TECS"), NATIONAL CRIME INFORMATION CENTER (NCIC) and NATIONAL LAW ENFORCEMENT TELECOMMUNICATION SYSTEMS (NLETS). The search perfo-

med in order to discover the material. After search performed it was inadequate due to Plaintiff did not receive the requested date in which the Grand Jury convene for original indictment and date the Grand Jury convene for original indictment and date the Grand Jury issued that superceded the indictment (quoting Truitt v. Dept. of State, 282 U.S. App. D.C. 86, 897 F.2d 540, 542 (D.C. Cir. 1990)), the agency "must make a good faith effort to conduct a search for the requested record, using methods which can be reasonably expected to produce the information requested. Petitioner contends that each defendants search and disclosure, or look thereof if the documents and/or records requested amounted to be deemed adequate, because whe appealed to the "OIP", their response was to remand back to the ALCOHOL, TOBACCO, FIREARMS (A.T.F.) the initial request for the search and disclosure of non-exempt documents and records.

**6) PLAINTIFF REQUESTING INFORMATION PERTAINING
TO THE FOLLOWING DATES.**

Defendant released some dates in the January 31st, 2017 package of records including, dates for the public voucher, dates for advance of funds and date for [ROI][Report of Investigation] partially. Withhold dates included [ROE][Reports of Expenditures], Request for advance of Funds, Application and Public Boucher for Reward and date in which the Grand Jury convened for original indictments returned against Plaintiff in the case of United States

v. Rodney Reep, Case No. 2:02-CR_217. Certain documents released by the A.T.F., U.S.A.O., and the D.E.A. to Plaintiff consisted of redacted information, specifically dates that cannot reasonably fall within the perimeters of any exemptions.

Unless the government can demonstrate the disclosure of the Jury's meeting date and the Grand Jury convened would tend to reveal the inner workings of the Grand Jury investigation, that date is not exempt from disclosure under the FOIA's third exemption. See Lopez v. Dept. of Justice, 393 F.3d 1345, 346 U.S. App. D.C. 274 (2005 U.S. App.) .

**7) DEFENDANT EXEMPTION UNDER 552(b)(7)(D) MUST
ESTABLISH THAT THE PARTICULAR SOURCE SPOKE
WITH THE UNDERSTANDING THAT THE
COMMUNICATION WOULD REMAIN CONFIDENTIAL.**

Exemption 7(D) of the freedom of Information Acts Protects records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to disclose the identity of a confidential source. 5 U.S.C. §552(b)(7). A source counts as confidential if the source provided information under an express assurance of confidentiality be inferred.

If an agency attempts to withhold information under the Exemption(b)(7)(D)-1 claiming express assurances of confidentiality, "the agency is required to come forward with probative evidence

that the source did in fact receive an express grant of confidentiality". Davin, 60 F.3d at 1601. Such evidence may take many forms, such as notations on the face of the withheld account.

8) DEFENDANT REFERRED DOCUMENTS TO OTHER AGENCIES.

Plaintiff objects to the treatment of documents the E.O.U.S.A. subsequently referred to the A.T.F. and the F.B.I. for final disposition, rather than releasing them or citing exemptions directly.

The E.O.U.S.A. should not simply refer documents to the other agencies as a matter of course, but must show that the procedure is reasonable under the circumstances, rather than engaging in "consultation".

After final release on October 29th, 2009, the defendants on December 1st, 2009, referencing material was located in these referred documents which originated with the U.S.A.O. These agencies have been requested to process and correspond directly with Plaintiff regarding their documents. Id. n.4. Plaintiff complains that he "has not been provided with a Vaughn index or any inventory or accounting of these referrals", so he has "no way of knowing what materials remained unaccounted for.

9) RULE 6(e) AS STATUTE UNDER EXEMPTION 3.

The scope of Rule 6(e) is relevant statute within the meaning of FOIA exemption 3. There are four exceptions to the general rule of secrecy enumerated in the rule. The first two, involving limited disclosure to government attorneys and other personal, are clearly inapplicable. The remaining two permit disclosure pursuant only to a court order. The fourth permits disclosure to a criminal defendant for use in preparing a motion to dismiss an indictment. Rule 6(e)(3)(C)(ii). The only exception even arguably applicable to the present proceedings is that which permits disclosure in civil proceedings.

Grand Jury Fed. R. Crim. P. 6(e)(3)(C).

Plaintiff contends that the requested Grand Jury transcripts should be disclosure pursuant to Federal Rule of Criminal Procedure 6(e)(3), which provides for the disclosure of Grand Jury stage, which would provide support for his contention that his criminal conviction was based upon false evidence contrived by the government.

Moreover, the Fed. R. Crim. P. 6(e)(3)(C) was not strong enough to resist the force of the U.S. Constitution Amendments. Exemption 3, U.S.C. §552(b)(3) permits an agency to with hold information "specifically exempted from disclosure by statute." The Government contended that the documents were exempted from disclosure under Rule 6(e) of the Fed. R. Crim. P. Rule 6(e)

prohibits, with exceptions, the disclosure of matters "occurring before the grand jury," in violation of the Fifth Amendment.

(A). The most valuable function of the Grand Jury is not only to examine into the commission of crimes, but to stand between the Prosecutor and the Plaintiff.

(B). In Plaintiff's request to obtain certain information, dates for Grand Jury records unexplained and the date of the preliminary witness interviews, are not exempt from disclosure. Because dates on which prosecutors interviewed, either as part of a screening process in advance or the actual Grand Jury testimony, do not inherently reveal secret matters occurring before a Grand Jury.

(C). Plaintiff request no names but dates the Federal Grand Jury convened, and for the superceding indictment date. Also for the dates that witness statements were given, or indications that he or she signed the statements, under penalty of perjury, "sworn declaration" or "unsworn declaration". Also, dates for public boucher, witness boucher, and the request for the advance of funds.

(D). [FOIA]- exemp information loses its protection if it was previously "disclosed and preserved in a permanent record," Cittone v. Reno, 193 F.3d 550, 553-54, 338 U.S. App. D.C. 270 (D.C. Cir. 1999). Unless the government can demonstrate that disclosure of the date of a particular preliminary interview would tend to reveal the inner workings of the Grand Jury investigation, that date is not exempt from disclosure under the FOIA's third exemption. Exemption 3 is not exempt **the dates the Grand Jury issued its indictments**. See Lopez v. Dept. of Justice, 393 F. 3d. 1345, 346

U.S. 274 (2005 U.S. App.). Lazaridis v. Dept. of Justice, 766 F. Supp. 2d 134 February 24th, 2011. Peay v. Dept. of Justice, 2007 U.S. Dist. LEXIS 17586.

E). "GRAND JURY exhibits, reveal information discussed before the Grand Jury, and were created for the purpose of the investigation at issue." While this may be true, "[t]here is no per se rule against disclosure of any and all information which has reached the Grand Jury Chambers." Senate of the Commonwealth of Puerto Rico v. U.S. Dept. of Justice, 262 U.S. App. 166, 823 F.2d 574, 582 (D.C. Cir. 1987).

F). FOR RULE 6(e) to be applicable, "the touchstone is whether disclosure would tend to reveal some secret aspect of the Grand Jury's investigation.

G). RULE 6(e) as a Statute under Exemption 3. The scope of Rule 6(e) is a relevant statute within the meaning of FOIA Exemption 3. There are four exceptions to the general rule of secrecy enumerated in a rule. The first two, involving limited disclosure to government attorneys and other government personnel, are clearly inapplicable. The remaining two permit disclosure to a criminal defendant for use in preparing a motion to dismiss an indictment. Rule 6(e)(3)(C)(ii). The only exemption even arguably applicable to the present proceeding. Fed. R. Crim. P. 6(e) does not draw a veil of secrecy over all matters occurring in the world that happen to be investigated by a Grand Jury. Instead, the "touchstone" is whether the information sought would reveal something about the

grand jury's identity, investigation, or deliberation. The mere fact that information has been presented to the grand jury does not itself permit withholding. Plaintiff arguing that the defendants had not carried their burden of establishing affirmatively that interfere with the federal prosecution of a 15 year old conviction.

**10) THE PLAINTIFF CHALLENGES THE DENIAL OF ACCESS OF RECORDS.
FOIA EXEMPTION 6, 5U.S.C.(b)(6)**

Which protects personal and medical files and similar files, some other information currently protected by regulation No. 1 Pay ment to individual in advance of funds make available, by the Treasury Department for the Government Program Project Exile. The Plaintiff is not requesting any medical records.

11) THE DEFENDANT'S WITHHELD THE NAME OF THE INVESTIGATORY.

The defendants under exemption 6 and 7(c) of the FOIA, U.S.C. §552(b)(6) and 553(b)(7)(C), the Defendants could not withhold the names of Agent Jay D. Seacrist who conducted Investigatory, ATF Task Porce. Receiving public vouchers and rewards. It was this agent that transferred this case from state custody to federal custody. Because there was no showing that disclosure of his name could be reasonably expected to result in unwarranted invasion of personal privacy. United Am. Potter, (2009, D.C. Dist.) 667 f. Supp. 2d 49

12) SEGREGABILITY ISSUE BEFORE THE DISTRICT COURT.

The DEA, USOA, and the ATF had determined to withhold requested information. The agencies have the burden of showing that a statutory exemption applies. Id. Moreover, any reasonably segregable portion of a record must be made available to the person requesting the record. 5U.S.C. §552(b). If the District Court's conclusion that withholding of information is lawful under FOIA in the face of possible redaction, the district court must make specific findings of segregability regarding the documents to be withheld.

13) DEFENDANTS FAILED TO HAVE A CORRECT VAUGHN INDEX.

Plaintiff moves to compel defendants to serve an unredacted index, with dates and names of investigators. Plaintiff complained specifically that, "the Index fails to include the date of each document provided." Defendants failed to explain why the date of the reports of investigation should be deleted. Plaintiff asked that defendants be directed to provide a more detailed Index. Plaintiff request specifically the exemption claimed to the deletion of the dates and names (including the names of the investigators) in each document.

A) Plaintiff is requesting an unredacted copy of the Vaugh Index. The review of the FOIA cases "is made difficult by the fact that the "ATF" Document Cover Sheet: Exemption List and Appeal Rights Number 6, states total number of documents denied, all show zero. (See Exhibit E). The Petitioner seeking disclosure does not know the contents of the information sought and is, therefore, helpless to contradict the government's description of the information or effectively assist the trial judge in order to

"transform a potentially ineffective inquisitorial proceeding against an agency that controls information into a meaningful adversarial process", Plaintiff requesting the reviewing Court to order the government to prepare a particularized description of how each document withheld falls within the statutory exemption.

14) Plaintiff challenged this claim, arguing that Exemption 7(C) does not protect the privacy of people who are deceased.

The DEA and the FBI didn't apply to the deceased rules of information. I didn't receive the report of Investigation, file No. GE-00-0038 and prepared date: 12/12/02. Report of Investigation. File deceased by definition cannot personally suffer privacy-related injuries that may plague the living. I didn't receive the report of the deceased, Karl Moore Jr. DEA and FBI Report of Investigation, File No. GW-00-0038, prepared date: 8/27/02, 10/31/02, 12/12/02 and 01/06/03.

15) Defendants have not met its obligation under FOIA. That there is genuine issues of material fact are in dispute.

A) Petitioner received a letter from Office of Information Policy.

Dated April 26, 2011. Appeal No. AP-2011-00217, Request No. 10-1142 KWC: AEC. You appealed from the action of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on your request for access to records pertaining to yourself. I note that you specified the case numbers 768025-02-0042 and 768025-03-0042.

With regard to your question about the research for records pertaining to case number 768025-03-0042, as a result of discussions between ATF personal and a member of my staff, I have determined that ATF's response was correct. The case you provided is not an Identifier for you. If you are dissatisfied with my action on your appeal, you may file a lawsuit in accordance with 5U.S.C. (a)(4)(B). See Exhibit (EE).

B) Petitioner filed a letter going to the Office of Information Policy. October 10, 2010. Reference No. 10-1141:JMP

This appeal concern ATF Records with reference to the above stated reference number" 10-1142:JMP. The correct case number is: "768025-02-0042" and "768025-03-0042". These correct numbers which I requested is to be searched for information, pertaining to myself. The numbers they claim don't belong to me are documented on two sheets" Department of Treasury, Request for Advance Funds. See Exhibit "F".

16) Plaintiff challenges the assertion of 5U.S.C. §552(b)(7)(C), Exemption 7(c), and the agencies' decision to withhold records under this exemption.

The purpose of the FOIA is to protect "the citizens' right to be informed about what their government is up to". United States Dept. of Justice v. Reports Comm. for Freedom of the Press, 749, 772, 109S.Ct. 1468, 103 L.Ed2d 774 (1989), exposing improper conduct by agency officials in the interest that comports with the purpose of FOIA.

A) LEGAL ANALYSIS

When Congress enacted the FOIA, it sought "to open agency action to the light of the public scrutiny." Dept. of Air Force v. Rose, 425 U.S. 352, 361, 96 S.Ct. 1592, 48 L. Ed. 2d 11 (1976) (citation omitted). The basic purpose of the Act was to reflect "a general philosophy of full agency disclosure", but rather serves to "shed light on the agency's performance of its statutory duties." U.S. Dept. of Justice v. Reporters Comm. for Freedom of the Press. Exposing improper conduct by agency officials is an interest protected by Exemption 7(C) and the public interest that comports with the purpose of FOIA. "[W]here there is privacy interest protected by Exemption 7(C) and the public interest being asserted is to show that responsible officials acted negligently or otherwise improperly in the performance of their duties."

As it relates to 5 U.S.C. § 552(b)(7)(C), when reviewing an agency's decision to withhold records under this exemption, the Court must "weigh the public interest in the release of information against the privacy interest nondisclosure." Shrecher v. Dept. of Justice, 538 U.S. App. D.C. 334, 349 F.3d 657, 661 (D.C. Cir. 2003) (citing Dept. of Justice v. Reporters Comm. for Freedom of the Press). The District of Columbia Circuit has instructed that "the public interest in disclosure must be evaluated in the light of FOIA's central purpose" to open agency action to the light of public scrutiny."

17) The record demonstrates that there is genuine issue of material fact in dispute.

The Plaintiff express his concern regarding the implications that prosecutor, Ms. Dverhart, decided not to share this information, and withheld this information from Plaintiff and his lawyer, Andrew M. Sachs, fatally undermining Plaintiff's Brady rights. See Skinner v. Switzer, 131 S.Ct. 1289, 1300, 179 L.Ed 233(2011).

A) Division of Forensic Science, Certificate of Analysis, January 16, 2002.

Case No. 01-54178, FS Lab#To1-12924, evidence submitted by C.E. Payne. Boxes of Winchester, 45 auto cartridge items 2A-2H. Results" Two (2) latent fingerprints of value for identification purposes were developed as follows:

Item 2A- Plastic insert- One (1) latent fingerprint.

Item 2B- Plastic insert- One (1) latent fingerprint.

Page 2" Leland W. Kennedy, forensic Scientist. (See Exhibit"1A").

See page 207 of FOIA packet received by Plaintiff from ATF.

B) Division of Forensic Science, Certificate of Analysis, May 7, 2002.

Evidence submitted by [b2/7c Exemption].

Item 4: Photocopies and fingerprints & palm prints..

Results: One (1) latent fingerprint of value for indentification purposes remained unidentified as previously reported in this case.

[Exemption b2/7c]

Forensic Scientist

See Exhibit "2A".

C) Report of Investigation

Page 1 of 1, Report number 2

Description of activity" attempt to fingerprint Rodney Reep. On May 9, 2002, Task Force Agent Jay D. Seacrist, See Exhibit "3A".

D) Report of Investigation "DEA" Page 1 of 4.

File No. CW-00-0038, Prepared date" 10/31?02, DEA form 6. the DEA conducted a trash-pull where agents removed trashcans from the property themselves without a warrent on August 22, 2002 and October 31, 2002. All information on the trash-pull is available on report of Investigation. See Exhibit"4A".

E) Trial Exhibit List

Criminal number 2:02-CR-217, in the United States District Court for the Eastern District of Virginia, Norfolk Division, Exhibit 10 is listed as "Photos from 10/31/02 trash-pull." There are five (5) photos, listed as 10(A-E). The photos that were used as exhibit 10A-E, they were in Plaintiff's possession located on top of a china cabinet. Government alledges they came in possession of the photos during a trash pull. See Exhibit "5A".

F) United States Attorney Ms.Everhart Changed the Ammunition Count to a Firearm Charge.

See transcripts of arraingment proceedings of March 19, 2003, See Exhibit

Page 10 at Line 13, Felon in Possession of a Firearm:
Page 10 at Line 20:

Mr. Sacks: "Your Honor, that firearm charge(Page 10 Line24)-"

The Court: "Felon in Possession of a firearm, Count 29."

At page 11, line 19, Ms. Everhart does not speak of ammunition as opposed to a firearm, Page 11 at line 25, the Court does not contain a reference to Count 29.

G) Transcripts of Closing Argument, July 17, 2003.

At page 24, line 24 Ms. Everhart stated "also being a felon in possession of a firearm." See Exhibit "8A".

H) Firearm Technology Branch Report of Technical Examination Dated March 24, 2003, and Evidence Transmittal form Dated March 4, 2003.

See Exhibit.

When Plaintiff was arrested I recieved an ammunition charge, when Ms. Everhart took the case the ammuniton charge changed to a firearm charge. Jay D Seacrist (ATF) requested the Firearm Technology Branch report and examination of a shotgun under Plaintiff's name and case number 768025-02-0042.

18) Plaintiff challenges the exemption 5U.S.C.§552(a)(J)(2) that the Justice Department Regulation Promulgated pursuant to the government program "Project Exile."

Project Exile, Aricle IV., Office of Justice Programs (OJP)

Department of Justice relatin to the implemntation and execution of its "Project Exile" program. Justice Department agency charged with assisting state and local governments with developing more efficient and effective crime prevention and control measures. OJP works with Federal, State, and Local government officials to control drug abuse and trafficking, rehabilitate crime-ridden neighborhoods, improve the administration of justice, meet the needs of crime victims, and find new ways to address

problems such as gang violence, prison crowding, juvenile crimes, and white-collar crimes. Most of the work is accomplished through grants.

- (A) Project Exile involved a series of monthly meetings between the United States Attorney's Office(hereinafter, "USAO") and the District Attorney's Office.
- (B) Project Exile aslo involved instances where the local police department would call the ATF and ask them to present the case to the USAO. In addition, there was a Violent Crimes Impact Task Force, wher the ATF was embedded into a task force.
- (C) Project Exile is widely publicized on television, radio, billboards, and buses. A professional advertising agency is responsible for this publicity. The advertising agency is paid with private funds donated by the "Project Exile Citixen Support Foundation". However, excepting these relatively insignificant items, federal taxpayers pay for every Project Exile prosecution.
- (D) Disclosure would serve the strong public interest in the accountability of government programs, revealing how public funds are spent and the extent to which funds are paid to individuals when acting as an ATF agent-even though they are only local police, being paid by their own municipality- and receiving public vouchers and rewards from the Department of the Treasury, such as Norfolk Police Officers Jay D.

Seacrist. In the enforcement process, a scheme injecting a Personal interest, financial or otherwise, into the enforcement process may bring irrelevant or impermissible factors into the prosecutorial decision.

- (E) Clifford D. Posey, a Norfolk Police officer assigned to an ATF task force, pled guilty to five counts against him-one each of wire fraud, embezzlement, possessing stolen firearms, filing and making a false statement, and money laundering. He used proceeds for various purposes that were not authorized by the ATF. He had been on the ATF task force for five years.
- (F) History of "Project Exile" can be read at paragraph
Case 1:16-cv-01275-RCL Document 1 Filed 06/23/16 Page 28 of 42.

PRAYER FOR RELIEF

Plaintiff requests the Court of Appeals to grant the following relief:

- A) Have an evidentiary hearing to determine if there is going to be a trial.
- B) Order defendants immediately to process the requested records in their entireties.
- C) Order defendants, on completion of the expedited processing, to disclose the requested records in their entireties and make copies available to the Plaintiff.
- D) Request the District Court to conduct a camera review of the records.
- E) Declare defendants' withholding of records to be unlawful, whether defendants change their positions and voluntarily agree to produce the records listed in the above Counts, or the Court issues an order requiring the defendants to do so.
- F) Issue an injunction ordering defendants to produce the above records listed in the Counts and in the Paragraphs.
- G) Award Plaintiff its reasonable costs, litigation expenses, and attorney's fees associated with this litigation, as provided by 5U.S.C. §552(a)(4)(E).
- H) Grant such further relief as the Court deems just and proper.



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Exhibits of document is already registered with the District Courts.

CONCLUSION

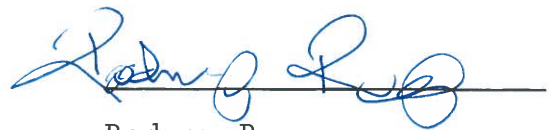
Plaintiff is not barred by the statute of limitation Defendants have not met its obligation under FOIA. The Plaintiff is requesting the Court to grant summary judgment in his favor.

I declare under the penalty that the foregoing is true and correct to the best of my knowledge.

Plaintiff is requesting to be remanded back to District Court for evidential hearing & oral arguments.

Executed on August 27, 2018.

Respectfully Submitted,



Rodney Reep
#53762-083
FCI Schuylkill
P.O. Box 759
Minersville, PA 17954

CERTIFICATE OF SERVICE

I, Rodney Reep, under the penalty of perjury, hereby certify that on this 27th day of August, 2018, I placed an envelope containing the original and four (4) copies of the proceeding documents in the contro of prison authorities by disposing the envelope in the institution mailbox designated for all outgoing legal mail, addressed to the following:

United States Court of Appeal
District of Columbia Circuit
333 Constitution Avenue, N.W.
Washington, DC 20001-2866

U.S. Department of Justice
United States Attoney, District of Columbia
Judiciary Center
555 Fourth Street, N.W.
Washington, DC 20001

Therefore, in accordance with the federal rule governing filing procedures and the "mailbox rules" established in Houston v. Lack, 487 U.S.266 (1988), the foregoing documents are deemed "filed" for the purpose of this action.

Respectfully Submitted,


Rodney Reep

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

TABLE OF CONTENTS OF EXHIBITS

Ex. #	Exhibit Title/Appendix Description	Notes
1	Appendix Exhibit USA TODAY Newspaper Article	Project Exile Newspaper Article By:Brad Heath (reporter)USA TODAY Project Exile was responsible for prosecution
2	Complaint Seeking Disclosure Under FOIA United States District Court For The District Of Columbia	Peceived by the Mail Room May 23, 2016
3	Certificate of Mailing to United States District Court	Placed in Institutional Mailbox on 20th of May, 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:02cr217

KARL MOORE, SR., ET AL

EXHIBIT LIST

Page 29 of 46

Filed: 08/09/2018

Document #1748#26

USCA Case #18-5132

ADMITTED	EXHIBIT NUMBER	DESCRIPTION
	1	A. Photo - vehicle (5/2/01)
	-	B. Photo - license
	-	C. Photo - console
	-	D. Photo - money
	-	E. Photo - Money
	2	A. Postal labels - Bob Gillham to Lisa Gillham
		B. Postal labels - Shelina Moore to Karl Moore
		C. Postal labels - Mr. Moore to Mr. Smith Postal labels - Willie Lee Jones to Darrell Jones
		D. Postal labels - ? to Darrell Jones Mr. Gillham to Lisa Gillham (need originals)
	3.	A. Photo of Wilkerson (Tennessee)
		B. Photo of Smith (Tennessee)
		C. Photo of money (Tennessee)
		D. Photo of money (Tennessee)
		E. Photo of money (Tennessee)
		F. Photo of money in trunk

Ex. 12 Exhibit List of Criminal
Docket No. 2:202-cr-217
United States District
Court for the Eastern
District of Virginia
Norfolk Division

ADMITTED	EXHIBIT NUMBER	DESCRIPTION
		G. Photo of speakers
		H. Karl Moore Arizona ID card
		I. Photo of Smith, Moore, Wilkerson O.L. (need originals)
	4.	A. Moore - Tennessee conviction order
		B. Moore - Clemency report (need)
	5.	A. Western Union Records
		B. Western Union Chart (not marked)
	6.	A. Delta records (not marked)
		B. Southwest records (not marked)
		C. Flight analysis
	7.	A. Drugs from bathrobe Jr
		B. Request
		C. Certificate
		11/17/2011
		E. Request
		F. Certificate
		G. Search Warrant
		H. 14 letters
		I. Drugs from bathrobe
		J. Packaging
		K. Drugs from bathrobe
		L. Packaging
		M. Drugs from bathrobe
		N. Packaging
		O. Drugs from Reep
		P. Request (need completed)

ADMITTED	EXHIBIT NUMBER	DESCRIPTION
		Q. Certificate
		R. Dollar bill
		S. Request (not marked)
		T. Certificate (not marked)
		U. Scale
		V. Request
		W. Certificate
		X. Reep's driver's license
		Y. Packaging material
		Z. Ammunition w/print (positive)
		AA Ammunition w/print
		BB. Ammunition
		CC. Ammunition
		DD. Ammunition
		EE. Ammunition
		FF. Ammunition
		GG. Ammunition
		HH. Fingerprint card
		II. Fingerprint card
		JJ. Request
		KK. Certificate
		LL. Fingerprint card
		MM. Request
		NN. Certificate
		OO. Certificate
		PP. Photo - house

ADMITTED	EXHIBIT NUMBER	DESCRIPTION
		QQ. Photo - drugs in robe
		RR. Photo - drugs from robe
		SS. Photo - scale
		TT. Photo - money
		UU.. Photo - money and packaging
		VV. Stipulation (not marked)
	8.	A. Bags (Highter out)
		B. Certificate
		C. Cup
		D. Phone records (Highter)
		E. Phone record (Moore)
		F. Subscriber information
		G. Chart (not marked)
		H. Chart (not marked)
	9.	A. Flight documents - 8/8/02 money seizure
		B. Photo - Karl Moore, Jr. - need original
		C. Photo - money in bag - need original
		D. Photo - package - need original
		E. Photo - package - need original
		F. Photo - magazine - need original
		G. Photo - magazine - need original
		H. Photo - money in packages - need original
		I. Photo - money out of packages - need original
	10.	Photos from 10/31/02 trash pull
		A. Moore, Jr. on Reep's couch
		B. Reep's son - Andrew

ADMITTED	EXHIBIT NUMBER	DESCRIPTION
		C. Moore, Reep, 2BF
		D. Reep, 2 BF
		E. Moore, BF
	11.	A. Search warrant - 11/06/02
		B. Drugs
		C. Certificate
		D. Photos (?)
	12.	A. Janitorial contract - 11/09/98
		B. Janitorial contract - 11/14/02
	13.	A. Settlement Statement
	14.	A. VEC records - Karl & Sheryl Moore, Reep (?)
		B. Arizona Employment Records - Karl & Sheryl Moore, Smith
	15.	A. NAEFCU records (not marked)
		B. Bank of America (not marked)
		C. Bank of Hampton Roads (not marked)
		D. BB&T (not marked)
		E. V.B.M.E.F.C.U. (not marked)
		F. Chart
	16.	GMAC Records
	17.	IRS Records
	18.	Chesapeake business license
	19.	A. Search Warrant (12/12/02) (not marked)
		B. Lease - Wilson Road
		C. New York parking ticket (8/2/02)
		D. Janitorial contract
		E. Travel documents - Moore

Project Exile 9A Exhibit 1 of 4



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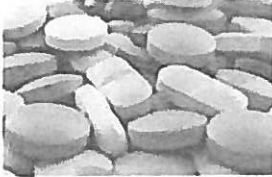
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Part 2: What We Can Do to Confront the Threat of New Designer Drugs from China



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Tag: clifford posey

ATF Agent Gets 3 Years and 1 Month for Theft of Guns and Cigarettes



By Allan Lengel
ticklethewire.com

You'd think Clifford Dean Posey, an ATF agent, would have known of the old adage: Crime doesn't pay. Apparently not.

Posey, 43, of Chesapeake, Va., was sentenced Friday in Richmond, Va., to three years and one month in prison for stealing guns and cigarettes from ATF and selling them. The crimes began in 2007, authorities said.

He pleaded guilty in April to wire fraud, embezzlement, possessing or receiving stolen firearms, making a false statement and money laundering.

"When he became an ATF agent, Clifford Posey took an oath to uphold the law," U.S. Attorney Timothy J. Heaphy said in a statement. "Mr. Posey selfishly violated his oath and used his law enforcement power for personal gain. The law became an instrument of his greed, rather than a shield for those he was sworn to protect."

Posted: September 19th, 2011 under News Story.

Tags: ATF, cigarettes, clifford posey, guns, Richmond, timothy j. heaphy, U.S. Attorney
Comments: none

Va. ATF Agent Under Investigation for Allegedly Stealing Tens of Thousands of Dollars of ATF-Owned Cigarettes



By Allan Lengel
ticklethewire.com

Federal authorities are investigating allegations that an ATF agent in Virginia stole tens of thousands of dollars worth of ATF-owned cigarettes and sold them, according to the Daily Press newspaper.

The agent Clifford D. Posey, 43, who is part of the Norfolk, Va. ATF office, has not been charged, but the allegations are contained in a federal search warrant affidavit written by J. Brian Burnett, a special agent with the Department of Justice's Inspector General's Office, the paper reported. The ATF-owned cigarettes are used as bait in stings.

The affidavit alleges that Posey of Chesapeake, Va., stole the cigarettes, moved them to a rented storage unit in Virginia Beach where he distributed the goods for money, the paper reported.

"Posey has ... used his position as an ATF Special Agent to facilitate the embezzlement of property belonging to the United States," the affidavit said. ATF said Posey has been suspended without pay since December, the paper reported.

The paper said Posey declined Tuesday to discuss the case.

To read more click here.



Allan Lengel
Justice Department's Seizure of Associated Press Phone Records Is Disgusting!



Ross Parker
The Collision Between Drugs and Environmental Forces in Central America



Greg Stejskal
The History of April 19th: American Revolution, Waco, Oklahoma Bombing

< Columnists >



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David Swinson

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6/19/13

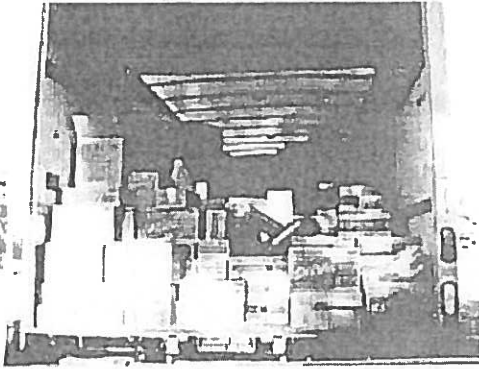
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The best news and articles about tobacco industry

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05/05/2011

Norfolk-based ATF agent pleads guilty in tobacco fraud case involving Hampton



A Norfolk-based special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) pleaded guilty Monday in a tobacco and gun fraud case that got its start with suspicious Hampton police officers. Clifford D. Posey, 43, of Chesapeake, admitted as part of the guilty plea Monday that the embezzlement of tobacco and guns amounted to a loss to the government of \$46,470. Posey was working with Hampton officers on stings into black market tobacco sales when the cops discovered Posey was having repeated interactions with one of the previous targets of their investigation.

More information was uncovered during an ensuing federal investigation, and Posey was indicted April 4 on 19 charges. He was arrested two days later. But only five days after his arrest, in a remarkably fast time period between arrest and guilty plea, Posey pleaded guilty Richmond Monday to five of the counts against him — one count apiece of wire fraud, embezzlement, possessing stolen firearms, making a false statement and money laundering. Posey admitted that he stole caseloads of government-owned cigarettes and sold them on the black market. "He used the proceeds for various purposes that were not authorized by ATF officials, including payments on a Chevrolet Suburban and tithing to his church," according to a statement of facts filed with the guilty plea. Posey also admitted that he certified that stolen guns were either returned to their owners or destroyed, "when in fact (Posey) had taken possession of those firearms." The other 14 counts are expected to be dropped as part of the guilty plea.

That includes six counts of embezzlement, four counts of filing false statements, two counts of receiving stolen goods and two counts of money laundering. The investigation into Posey began last fall after Hampton police officers — who were working with Posey on sting operations targeting sales of black-market cigarette sales — grew suspicious of him, according to an affidavit in the case. Through an email to the task force's cell phone, the Hampton cops discovered that Posey was having lots of contact with a man they previously investigated, the affidavit says. Later, the affidavit says, surveillance on Posey's privately rented storage unit in Virginia Beach showed the agent putting caseloads of government-owned cigarettes there, then having the buyer go there to pick them up — and leave behind thousands of dollars.

Posey had worked for the ATF for five years, and was an agent with the U.S. Air Force's Office of Special Investigations for five years. He will be sentenced July 29 before U.S. District Judge Robert Payne. "We have zero tolerance for corruption or criminal activity by any government employee and especially one of our own," said Acting Special Agent in Charge Rich Marianos, of the ATF Washington Field Division in Washington, D.C.

6/19/13



OBITS APARTMENTS HOME DELIVERY CLASSIFIEDS PLACE AN AD

Page 36 of 46

Filed: 08/30/2018

Document #1748426

USCA Case #18-5132

HOME NEWS SPORTS HRMILITARY SAVVY SHOPPER OPINION LIFE ENTERTAINMENT MARKET YOUR STUFF
GLOUCESTER HAMPTON ISLE OF WIGHT NEWPORT NEWS SOUTHSIDE WILLIAMSBURG YORK BUSINESS CRIME POLITICS SCHOOLS SPACE
Home > Collections

ATF agent lands three years in prison for embezzling cigarettes, guns

Case against Cliff Posey began when Hampton police officers grew suspicious of him

September 16, 2011 | By Peter Dujardin, pdujardin@dailypress.com | 247-4749

A former Norfolk-based federal agent was sentenced Friday to 37 months in prison for stealing caseloads of government-owned cigarettes, selling them on the black market and pocketing the cash.

Clifford D. Posey, 43, of Chesapeake — once a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives — admitted as part of his guilty plea in April that he embezzled more than \$46,000 in federal property.

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1

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22-year-old Sentenced To 160 Months

★ STORY: Federal ATF agent being investigated over Hampton...

Posey was working with Hampton police late last year on stings into black-market cigarette sales. As part of the effort, investigators would pose as black market sellers in a bid to ensnare wholesale buyers trying to avoid cigarette taxes.

But two Hampton police officers grew suspicious of Posey, the lead task force agent, after finding an e-mail to the task force cell phone indicating he was having repeated interactions with a man the task force had previously investigated.

An ensuing ATF investigation discovered that Posey was removing cigarettes by the caseloads from a local ATF warehouse and stocking them in his private storage unit in Virginia Beach. Then he'd have the buyer go retrieve the cigarette loads and leave behind envelopes full of cash.

Posey also admitted that he stole guns — creating documents saying that confiscated guns were destroyed or given back to their owners, when in fact he took them for himself.

Posey pleaded guilty in April to one count apiece of wire fraud, embezzlement, receiving stolen firearms, making a false statement and money laundering. He faced up to 65 years in prison under law, though sentencing guidelines called for him to get between 37 months and 46 months.

Prosecutors urged a sentence at the high end of the guidelines.

"They were not an isolated instance of bad judgment, but rather a calculated series of offenses that continued for three and a half years," Assistant U.S. Attorney Joseph Mott wrote in a court filing. "The offenses required stealth and guile to ensure they were not uncovered, and would likely have continued had not a task force officer noticed an odd email."

Posey's lawyer, William McMillan Powers, urged a sentence below the guidelines, citing Posey's eight years with the Air Force and five years with ATF. "Mr. Posey has lost everything he spent his life working to achieve," Powers wrote. "His life is irreversibly changed. He is significantly depressed and likely needs medication and therapy to re-balance

6/19/13

Theft, sale of cigarettes gets ATF agent three years in prison - DailyPress

the emotional and intellectual aspects of his life."

Powers added that "despite his catastrophic failure, his family remains intact, and he has a fuller appreciation of his importance and significance to his family."

Senior U.S. District Judge Robert Payne, based in Richmond, gave him 37 months.

The U.S. Attorney's Office for the Western District of Virginia handled the case after prosecutors in the Eastern District recused themselves — in part because Posey's wife works for the federal prosecutor's office in Norfolk.

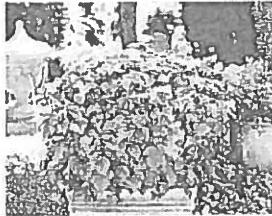
After the sentence, U.S. Attorney Timothy Heaphey said in a statement: "When he became an ATF agent, Clifford Posey took an oath to uphold the law. Mr. Posey selfishly violated his oath and used his law enforcement power for personal gain. The law became an instrument of his greed, rather than a shield for those he was sworn to protect."

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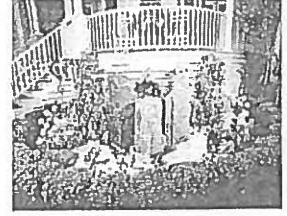
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DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Firearms Technology Branch Report of Technical Examination

Firearms Programs
Division

Washington, D.C. 20226

Phone: (202) 927-██████

TO:

Special Agent ██████████
Bureau of Alcohol, Tobacco, Firearms and Explosives
200 Granby Street
Suite 502
Norfolk, VA 23510

DATE: 3/24/03

YOUR 768025-02-0042

RE: Rodney Reep

OUR: ██████████

757-441-██████

DATE EXHIBITS RECEIVED: 3/5/03

DELIVERED BY: FedEx 792202153564

TYPE OF EXAMINATION REQUESTED:

Test, Examination, Classification

EXHIBITS:

1. Remington, Model 29A, 12-gauge, slide-action shotgun, no serial number.

FINDINGS:

Exhibit 1 is a Remington, Model 29, 12-gauge slide-action shotgun. Exhibit 1 was manufactured as a shotgun by Remington Arms Company, Incorporated of Ilion, New York. Exhibit 1 was lawfully manufactured without a serial number. The markings on the barrel and frame indicate the following:

"R.E.P." in an oval;

"DX":

"MODEL 29":

Remington Proof Mark.

Barrel code indicating manufacture date September 1929.

Model designation.

Test firing was conducted on March 24, 2003, at the ATF test range facility in Washington, D.C. Test firing disclosed that Exhibit 1, with one round of commercially available 12-gauge shotgun ammunition, test fired successfully.

CONCLUSIONS:

Exhibit 1 is a "firearm" as defined in Title 18, United States Code (U.S.C.), Chapter 44, § 921(a)(3).

Exhibit 1 was not manufactured in the Commonwealth of Virginia.

██████████
Firearms Enforcement Officer

804-674-██████

b27c

(145)

15. CERTIFICATION OF SPECIAL AGENT: I certify that this list contains a full description of all the personal property taken into Bureau custody from the person named in the above-mentioned case.

SIGNATURE OF SPECIAL AGENT

DATE

Task Force Officer, Norfolk Field Office

03/04/2003

16. APPRAISAL BY SEIZING OFFICER

I certify that under the authority of 19 U.S.C., or ATF O 3400.1, as seizing officer, I have made a careful survey and examination of the property described above and to the best of my judgement and belief, each item of said property is of the value stated opposite its respective description, and that the aggregate value of all of said property is shown on the "Total" line and have appraised items No.:

SIGNATURE

DATE

17. THIS INVESTIGATION IS ONGOING THEREFORE NO NOTICE SHOULD BE SENT TO ANY PARTIES INVOLVED.

☐ WITHHOLD NOTICE FROM ALL PARTIES

18a. TRACE INFORMATION WAS FORWARDED TO THE NATIONAL TRACING CENTER

(If no, an explanation is required in the "Remarks" section)

☐ YES

☐ NO

18b. NATIONAL FIREARMS REGISTRATION AND TRANSFER RECORDS WERE QUERIED

(If no, an explanation is required in the "Remarks" section)

☐ YES

☐ NO

19. REMARKS/DISPOSITION REQUEST

"Seized for evidence"

Approval is requested to return Item 1 to
DEA TFA [REDACTED]. Item has been returned
from the ATF Lab.

FINAL DISPOSITION RECOMMENDATION

DATE: 11/12/03

☐

DESTRUCTION OF ITEM NUMBER(S)

☐

PLACEMENT INTO OFFICIAL USE OF ITEM NUMBER(S)

☒

RETURN OF ITEM NUMBER(S)

1

TO:

Special Agent in Charge
(NAME)
Washington Field Division

(ADDRESS)

SPECIAL AGENT:

DATE: 11.12.03

I CONCUR

11/12/03

DATE

RAC/GS

I CONCUR

11/26/03

DATE

M. B. [Signature]
SPECIAL AGENT IN CHARGE

DEPARTMENT OF TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
REQUEST FOR ADVANCE OF FUNDS
(For Investigative Purposes)

INVESTIGATOR NUMBER
768025-02-0042
SUB-VOUCHER NUMBER

TO: AGENT CASHIER
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
Washington, FIELD DIVISION

SUSPECT'S NAME AND ADDRESS (Street, city, State and ZIP Code)

Rodney Keef
(Incarcerated in Prison)

FUNDS ARE REQUESTED DIRECTLY FROM (Check one)
☒ SUBCASHIER
☐ HQ CASHIER (Chief)

FUNDS INTENDED USE

FIREARMS TITLE I/TITLE II	ARSON/EXPLOSIVES	INFORMANT/ INVESTIGATIVE	CONTROLLED SUBSTANCE
SILENCERS	ARSON	INVESTIGATIVE EXPENSE	HEROIN
MACHINEGUNS	HIGH EXPLOSIVES	PURCHASE INFORMATION	COCAINE
STOLEN FIREARMS	LOW EXPLOSIVES	INFORMANT SUBSISTENCE	CRACK COCAINE
RIFLES/SHOTGUNS	BLASTING AGENTS	NRT SUPPORT	MARIJUANA
PISTOLS/REVOLVERS	DESTRUCTIVE DEVICE	PEN REGISTER	METHAMPHETAMINE
SHORT BARREL FIREARMS	ILLEGAL EXPLOSIVE DEVICE	TITLE III	ALCOHOL/TOBACCO
OTHER (Explain)	OTHER (Explain)	OTHER (Explain)	OTHER (Explain)

EXPLAIN/JUSTIFICATION

Funds requested
attached.
approved application

PART II - SUB CASHIER FUNDS REQUEST AND APPROVAL

In connection with the above investigation, I request that an advance of funds, in the sum of \$ 2500.00 be issued to me by the sub cashier to be used for the purchase of information, and/or the purchase of evidence.

SPECIAL AGENT [Redacted] DATE 03
GROUP SUPERVISOR OR RESIDENT AGENT IN CHARGE [Redacted] DATE 03
SUB CASHIER OR ALTERNATE [Redacted] DATE 03
SPECIAL AGENT [Redacted] DATE 03

PART III - DISBURSEMENT/RECEIPT OF FUNDS

AMOUNT APPROVED (Write out) Two thousand five hundred \$ 2500.00
AMOUNT DISBURSED (Write out) Two thousand five hundred \$ 2500.00
AMOUNT RECEIVED (Write out) Two thousand five hundred \$ 2500.00

PART IV - RETURN OF FUNDS AND/OR EXPENDITURE

RECEIPT OF FUNDS (Signature of sub cashier/alternate) [Redacted] DATE 03
SPECIAL AGENT'S SIGNATURE [Redacted] DATE 03
AMOUNT OF FUNDS RETURNED (Write out) 2500 \$ 0
AMOUNT OF FUNDS EXPENDED (Write out) Two thousand five hundred \$ 2500.00

AGENCY EXPENSE FUNDS

Exhibit 15: Request for Advance Funds, Application and Public Voucher for Reward.

62/7C

DATE 219
DATE

Filed: 08/30/2018 Page 40 of 46

Document # 7748426
USCA Case # 18-5132

DEPARTMENT OF TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
REPORT OF EXPENDITURES

(For Investigative Purposes)

INVESTIGATOR NUMBER

768025-025 0042

TO: AGENT CASHIER
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FIELD DIVISION

SUB-VOUCHER NUMBER

ITEMIZATION

DATE

EXPLANATION OF EXPENDITURE
(Explain exact nature of EXPENDITURE and results achieved; describe evidence purchased,
including persons involved and any other pertinent remarks.)

AMOUNT
EXPENDED

Funds expended

2500.00

738.99

TOTAL OF ABOVE EXPENDITURES

2500.00

TOTAL OF ALL AGENT CASHIER EXPENDITURES TO DATE

SPECIAL AGENT

3238.99

DATE

GROUP SUPERVISOR OR RESIDENT AGENT IN CHARGE (Approved by)

DATE

SPECIAL AGENT IN CHARGE (Reviewed by)

DATE

62/7C

220

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
APPLICATION AND PUBLIC VOUCHER FOR REWARD

I, [REDACTED], submit to the Division Director, Washington

(Name of Claimant)
Field Division, through his/her representative, Task Force Agent [REDACTED] Information concerning (Name, Title and Field Office)

violations within the jurisdiction of the Bureau of Alcohol, Tobacco and Firearms, in accordance with laws and regulations for this original information, furnished on the [REDACTED] day of [REDACTED], 20 01. I was not an employee of the Department of the Treasury at the time I came into possession of the information nor at the time I divulged it. Under penalties of perjury, I declared that I have examined this application, including my accompanying statements, if any, and to the best of my knowledge and belief, it is true, correct, and complete.

7/30/03
(Date)

Justification for payment: (State information supplied; type and magnitude of violation; name(s) of person(s) arrested, seizures made, and other pertinent information which will substantiate and support the recommended reward.)

On [REDACTED] 2001, [REDACTED] Norfolk Police Department Vice & Narcotics Division relative to illegal activities of Rodney Reep, DOB: 02-25-61, 1265 Reservoir Avenue, Norfolk, Virginia, who unlawfully possessed firearms and distributed cocaine hydrochloride, cocaine base and heroin. On [REDACTED], 2001, [REDACTED] Norfolk Police executed a state search warrant at Reep's residence and seized 87 grams of cocaine base, 33 grams of cocaine hydrochloride, 1 gram of heroin and various rounds of ammunition. On January 3, 2002, ATF Norfolk Field Office adopted the Reep case from the Norfolk Police Department. On March 22, 2002, Reep was indicted on a 5 counts in the Eastern District of Virginia. On November 14, 2002, Reep went to trial that ended in a mistrial after the first day. A new trial date was set for December 11, 2002. [REDACTED] 2002, [REDACTED] Reep in the next trial. On this date, [REDACTED] residence and family. On December 11, 2002, Reep went to trial that ended in a mistrial. A new trial date was set for March 17, 2003. [REDACTED] 2003, [REDACTED] ATF regarding Reep's involvement with [REDACTED] case the FBI and DEA were jointly working. [REDACTED] United States Attorney's Office with a superseding indictment which included Reep with the [REDACTED] Conspiracy. The indictment included thirteen defendants on fifty-four counts. A new trial date was set for July 1, 2003. [REDACTED] 2003, [REDACTED] were [REDACTED] against Reep. On this date, [REDACTED] On July 1, 2003, Rodney Reep, [REDACTED] went to trial. On July 10, 2003, [REDACTED] testified against the defendants. On July 18, 2003, the jury returned a guilty verdict for all counts against the three defendants. [REDACTED] On October 27, 2003, Reep will be sentenced on Title 21 USC 846 Conspiracy to Distribute 50 Kilograms of Cocaine Hydrochloride, Title 21 USC 841 (a) (1) Distribution of more than 50 grams of Cocaine Base, Title 21 USC 841 (a) (1) Distribution of more than 100 grams of Cocaine Hydrochloride, Title 21 USC 841 (a) (1) Distribution of less than 100 grams of Heroin, Title 21 USC 841 (a) (1) Distribution of less than 50 grams of Cocaine Base, Title 21 USC 841 (a) (1) Distribution of less than 50 grams of Cocaine Base and Title 18 USC 922 (g) (1) Felon In Possession of Ammunition. Based on the defendants criminal history, Reep, [REDACTED] are facing Life sentences.

(Continue On Reverse)

SPECIAL AGENT (Signature)	FIELD OFFICE Washington/Norfolk	DATE 07/30/2003	AMOUNT RECOMMENDED \$2,500.00
RECOMMENDED APPROVAL BY		DATE	AMOUNT
GS/BAC (Signature)		[REDACTED] 03	\$2,500.00
APPROVED BY			
DIVISION DIRECTOR (Signature)			
DEPUTY ASSISTANT DIRECTOR (FIELD OPERATIONS) (Signature) (If required)	DSAC	[REDACTED] /03	\$ 2500.00

IN

ACCOUNTING CLASSIFICATION

CHECK NUMBER

h7c

221

INSTRUCTIONS FOR COMPLETING ATF F 3200.13, APPLICATION AND PUBLIC VOUCHER FOR REWARD

Special agents will review the following instructions and tear this sheet from the form before presenting it to the informant/claimant.

1. ATF F 3200.13 will be prepared reflecting the name of the vendor (informant/claimant) and the justification for the payment of the reward.
2. Justification shall include, at a minimum, a narrative description of the violations, the magnitude of violations, the names and criminal records/reputations of the persons arrested, the seizures of any property, and other pertinent information that will substantiate and support the recommended reward.
3. The vendor must sign the ATF F 3200.13 in ink. The vendor's name will be typed below his or signature and must be identical to the vendor's signature. If the vendor signs with an "X," then the mark must be witnessed by two special agents, whose names must be legibly signed in ink on all copies of the ATF F 3200.13; the appropriate confidential identity code will be documented under the mark.
4. The special agent will not enter the amount recommended until after the vendor has signed the form, and no promises will be made concerning the amount of the reward.
5. The special agent will submit the original and copies of ATF F 3200.13 to his or her immediate supervisor for review. The resident agent in charge/group supervisor will review the ATF F 3200.13, make a recommendation of amount, sign, and forward to the division director.
6. The division director can approve payment of rewards of \$10,000 or less. The reward, if approved, will be processed within 2 weeks of receipt by the division director. Rewards in excess of \$10,000 must be approved by the appropriate deputy assistant director (Field Operations).
7. On requests of payments in excess of \$10,000, the division director will recommend approval by signing and dating both copies of the ATF F 3200.13. The division director will then forward the copies to the appropriate deputy assistant director (Field Operations), who will either approve or disapprove the request. The documents will be transmitted in double-sealed envelopes.

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
PAYMENT RECEIPT FOR INVESTIGATIVE EXPENSES, INFORMATION,
AND/OR TREASURY CHECK**

DATE RECEIVED [REDACTED] 03		RECEIVED FROM (Name and Title) TFA [REDACTED]	
AMOUNT RECEIVED \$2500.00		AMOUNT RECEIVED (Written in words) Two thousand five hundred AND 100/100	
METHOD OF PAYMENT <input checked="" type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER		IF CHECK OR MONEY ORDER, SHOW NUMBER AND OTHER IDENTIFYING DATA	
INVESTIGATIVE EXPENSES <input checked="" type="checkbox"/> SUBSISTENCE <input type="checkbox"/> OPERATING EXPENSES <input type="checkbox"/> MISC. EXPENSES			
CASE NUMBER 768025-02-0042		RECEIVER'S PRINTED NAME AND SIGNATURE [REDACTED] SA ATF	
WITNESS (Name and Title) [REDACTED] TFA ATF			

ATF F 3251.1 (10-96) PREVIOUS EDITION IS USEABLE

CRIMINAL COMPLAINT

USAO No. 2002R00652
Court Docket No. 2:02CR52
DJ File No. JD# W02-034 GJ# 02-1

The contents of this file are subject to the provisions of the Privacy Act of 1974 (5 U.S.C. 552)

Division

Defendants:

Defense Counsel:

Arrest

Altamirano

Plea

Bond (amt.,
date, surety)

1 Rodney Keap

8 ALE: No

See also File No.

Assigned to:

Date of Offense _____

Stat. of Limitations—

Nature of Offense	Full ID (Cocaine Base)
Convicted Person in Possession of Ammunition	
Code Sections	21 USC § 841(a)(1) 18 USC § 922(g)(1)
Gov't Agency Aff -	[610]

Date	Code	Remarks	Initials
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Initials

Date _____

Closed.

Initials

Remarks

Code

Date _____

Name: Rodney Keep

No. Filed: 08/30/2018

Document #1748426

USCA Case #18-5132

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